<u>REMARKS</u>

Claims 1-38 are currently pending in the subject application and are presently under consideration.

Applicants' representative thanks Examiner Phan for the courtesies extended during the telephonic interviews conducted on May 2, 2007. Examiner was contacted to discuss the claim rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103. During the interview Examiner agreed with arguments presented regarding "artificial intelligence" under 35 U.S.C. §112 identified in the Office Action. .Additionally, Examiner indicated that he would need to further examine the arguments presented with regards to the other rejection under 35 U.S.C. §112. Examiner also indicated that further search and consideration was required to determine if the claims would be allowed over the cited prior art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1, 14, 17 and 24 Under 35 U.S.C §112

Claims 1, 14, 17 and 24 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. The Office Action asserts that claims 1, 14, and 17 recite *the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS* which is not supported by the specification. However, page 12, lines 9-15 recites "According to one aspect of the present invention, an inferential analysis **in conjunction with** direct measurement can be utilized to determine user context." Furthermore, page 14, lines 12-19 clearly indicates that the inference analysis can use statistical and/or Bayesian models, which are well known as probabilistic models. Therefore, the specification clearly provides the necessary support for a *probabilistic model* in conjunction with (*and*) direct measurement, such as *the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS*.

The Office Action also asserts that there is no support for the term "artificial intelligence" in the specification. On page 14, lines 12-13 the specification indicates an inferential analysis, such as by employing a statistical or Bayesian model. It was well known at the time of this invention that "artificial intelligence" models perform inferential analysis and that "artificial

intelligence" models employ statistical or Bayesian theories. As such, the specification clearly provides the necessary support for the term "artificial intelligence".

Accordingly, withdrawal of this rejection is respectfully requested.

II.   Rejection of Claims 1-38 Under 35 U.S.C. §102(e)

Claims 1-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Burger, *et al.* (US 6,678,366). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Burger, *et al.* does not teach each and every element of applicants' invention as recited in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to a call processing system that utilizes caller identification information along with call recipient preferences and status to determine an appropriate response, such as a personalized message, forwarding the call to an appropriate device, activating voicemail, or translating a response message into a language appropriate for the caller. In particular, independent claim 1 (and similarly independent claims 14, 17, 24 and 32) recites *generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS*.

Contrary to assertions in the Office Action, Burger, *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. The cited art discloses a call processing system that attempts to locate a subscriber when a call arrives. The system attempts to call each of the subscriber's phone numbers to identify which phone the

subscriber is near. However, Burger, *et al.* is silent regarding inferring the current status of a caller and also does not teach employing a probabilistic model to perform an inference. The Office Action cites the "best guess location" of the cited reference as exemplary of a probabilistic model. On the contrary, the cited reference merely uses the last phone number where the subscriber answered the phone or the phone was busy as the "best guess location." This is not a probabilistic model in which probabilities are determined. This is a fixed rule. Furthermore, contrary to assertions in the Office Action, the cited art does not disclose a user's calendar application. The section of the reference that was cited merely discloses setting a time of day threshold for setting the "best guess location". The section does not discuss a user's calendar application or employing one to infer the current status of a subscriber. Therefore, Burger, *et al.* fails to teach or suggest generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Burger, *et al.* fails to teach or suggest all limitations of applicants' invention as recited in independent claims 1, 14, 17, 24 and 32 (and all claims that respectfully depend there from), and thus fails to anticipate the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

III.   Rejection of Claims 1-38 Under 35 U.S.C. §102(b)

Claims 1-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Klein, *et al.* (US 5,434,908) or, in the alternative, under 35 U.S.C. §103(a) as obvious over Klein, *et al.* (US 5,434,908) in view of Burger, *et al.* (US 6,678,366). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Burger, *et al.* and Klein, *et al.*, alone or in combination, do not teach each and every element of appellants' invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As noted *supra*, Burger, *et al.* fails to teach or suggest *generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user,* **the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS** as recited in independent claim 1 (and similarly independent claims 14, 17, 24 and 32). Klein, *et al.* fails to make up for the deficiencies of Burger, *et al.* with respect to the independent claims. Klein, *et al.* discloses a system where the subscriber's voicemail greeting is generated from the subscriber's calendar. However, the system merely takes the information from the calendar based upon the current time and copies the calendar data into the greeting. The system does not make any attempt to understand the calendar data and infer a subscriber's current status. Furthermore, Klein, *et al.* is silent regarding a probabilistic model.. Therefore, Burger, *et al.* and Klein, *et al.,* alone or in combination, fail to teach or suggest generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS.

Accordingly, applicants' representative respectfully submits that Burger, *et al.* in view of Klein, *et al.* fails to teach or suggest all limitations of applicants' invention as recited in independent claims 1, 14, 17, 24 and 32 (and all claims that respectfully depend there from), and thus fails to

make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP565US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/_____
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731